

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

PAUL CARMACK, on behalf of  
the Estate of David Hebert,

Plaintiff

v.

C-1-12-308

ANDREW MITCHELL,

Defendant

**PRELIMINARY PRETRIAL CONFERENCE ORDER**

Pursuant to Fed. R. Civ. P. 1, 16 and 26(f), the Court hereby  
**ORDERS** the parties to meet, confer and prepare a joint plan for the  
conduct of the litigation, which the **PLAINTIFF** shall file with the Clerk  
of Courts **ON OR BEFORE JULY 20, 2012.**

The proposed plan shall indicate the parties' views on the following:

- (1) Whether the parties have complied with Rule 26(a)(1) and 26(f) of the Federal Rules of Civil Procedure and, if not, why;
- (2) What limitations should be imposed upon discovery;

- (3) Whether a protective order is necessary and, if so, the parties shall draft an agreed protective order for the Court's review which shall be subject to the Court's continuing jurisdiction;
- (4) Whether the parties will consent to the jurisdiction of the Magistrate Judge or other alternative dispute resolution would be appropriate;
- (5) Whether the suggestion of a complex case should be made;
- (6) The appropriateness and timing of summary adjudication under Fed. R. Civ. P. 12(b)(1) through (7);
- (7) The appropriateness and timing of summary adjudication under Fed. R. Civ. P. 56;
- (8) The appropriateness of submitting a RICO statement;
- (9) The appropriateness of remand pursuant to 28 U.S.C. 1447 in removal cases; and
- (10) The need for jury trial or trial to the bench.

In addition the proposed plan shall contain a proposed joint scheduling order that includes the following deadlines:

- (1) The cut-off for joining other parties and amendments of the pleadings;
- (2) The dates by which the parties shall comply with Rule 26(a)(2) of the Federal Rules of Civil Procedure;
- (3) The discovery cut-off date;

(4) The date by which the parties shall file a joint status report;

(5) The deadline for filing all dispositive pre-trial motions;

(6) The deadline for filing a proposed Joint Final Pre-Trial Order;

(7) The date the parties believe they will be ready for trial.

Counsel shall appear with their clients for a PRELIMINARY PRETRIAL CONFERENCE ON AUGUST 3, 2012 AT 1:30 P.M. in Room 801, U.S. Courthouse, 100 East 5th Street, Cincinnati, Ohio.

Counsel may jointly request the Court cancel the above scheduled Conference for good cause. Said joint Request for Cancellation shall be submitted to the Court at least seven (7) days prior to the Conference. Counsel shall contact this Court's Case Manager, Darlene Maury, at 513/564-7523 to determine whether their request for the cancellation of this conference has been approved by the Court.

At such conference, counsel shall be prepared to discuss any questions concerning pleadings, jurisdiction, venue, pending motions, addition of parties, the probable length of discovery, the probable length of trial and the possibility of settlement of the case, possible use of bifurcation of troublesome issues, court-appointed experts, special masters, or any other device to expedite trial. At the preliminary pretrial conference, the Court will rule on all pending motions, if at all possible.

**IT SHALL BE THE PLAINTIFF'S RESPONSIBILITY** to provide a copy of this Order as soon as possible to opposing counsel and report to this Court's Case Manager forthwith that Plaintiff has provided the copy of the Order. This is a continuing responsibility of the Plaintiff as new parties are added to the case.

**IT SHALL BE THE RESPONSIBILITY OF ALL PARTIES** to cooperate and comply with this Order.

**IT IS SO ORDERED.**

s/Herman J. Weber  
Herman J. Weber, Senior Judge  
United States District Court

THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

\_\_\_\_\_ ,

Plaintiff

v.

Civil: C-1-

\_\_\_\_\_ ,

Defendant

**REQUEST TO CANCEL CONFERENCE**

The undersigned parties/counsel hereby request the Court to cancel the  
Preliminary Pretrial Conference scheduled for (date and time)

\_\_\_\_\_ for the following  
reason(s) \_\_\_\_\_

\_\_\_\_\_ .

The parties further request that the Court adopt and enter the Proposed  
Scheduling Order  
previously submitted in the above styled case.

\_\_\_\_\_  
**Plaintiff**

\_\_\_\_\_  
**Defendant**

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**APPROVED:**

\_\_\_\_\_  
**Herman J. Weber, Senior Judge**  
**United States District Court**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

\_\_\_\_\_,'

Plaintiff

v.

CIVIL ACTION: C-1-

\_\_\_\_\_,'

Defendant

**CONSENT TO PROCEED BEFORE A MAGISTRATE**

Under 28 U.S.C. Sec. 636(c), the parties to this civil matter waive their right to proceed before a district judge and consent to have a United States Magistrate Judge conduct all further proceedings, including the trial and judgment. Appeal shall be to the United States Court of Appeals for the Sixth Circuit under 28 U.S.C. Sec. 636(c)(3).

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**NOTE:** File this with the Clerk only if it has been signed by all the parties.

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**ORDER OF REFERENCE**

It is **ORDERED** that this matter is **TRANSFERRED** to the United States Magistrate Judge

\_\_\_\_\_ to conduct all further proceedings, including final judgment.

\_\_\_\_\_  
HERMAN J. WEBER, SENIOR JUDGE  
UNITED STATES DISTRICT COURT